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LOS ANGELES

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20 UNITED STATES DISTRICT COURT  
21 CENTRAL DISTRICT OF CALIFORNIA

22 REBECCA MITCHELL, individually and  
23 on behalf of all others similarly situated,

24 Plaintiff,

25 vs.

26 SONY COMPUTER ENTERTAINMENT  
27 AMERICA, LLC, a Delaware limited  
28 liability company, SONY COMPUTER  
ENTERTAINMENT AMERICA, INC., a  
Delaware corporation, SONY  
CORPORATION OF AMERICA, a New  
York corporation, and DOES 1 through  
50, inclusive,

Defendants.

CASE NO: CV11 03601JHN SSx

COMPLAINT (CLASS ACTION)

- 1) NEGLIGENCE;
- 2) BREACH OF CONTRACT TO A  
THIRD PARTY BENEFICIARY;  
AND
- 3) BREACH OF IMPLIED  
CONTRACTS.

(JURY TRIAL DEMANDED)

Plaintiff Rebecca Mitchell (hereinafter "Plaintiff" or "Mitchell") brings this action, by and through her undersigned counsel, on behalf of herself and all other similarly situated persons in the class defined below, based upon information and

1 belief and the investigation of counsel, except for information based upon personal  
2 knowledge, and hereby allege as follows:

### 3 I. NATURE OF ACTION

4 1. Plaintiff brings this class action on her own behalf and on behalf of all  
5 persons in the United States against Sony Computer, SCEA, and Sony USA  
6 (collectively referred to as the "Defendants") to redress Defendants' failure to  
7 adequately safeguard certain personal identification and financial information and  
8 related data. More specifically, this action arises from Defendants' failure to  
9 maintain adequate computer security of consumers': (i) credit and debit card  
10 information ("Financial Data"); (ii) full names, addresses, e-mail addresses,  
11 birthdates, usernames, passwords, logins, security questions, and other related  
12 information (collectively "Personal ID" information); and PlayStation Network  
13 purchase and usage history ("Usage Data"), all of which was accessed and stolen by  
14 computer hackers.

15 2. As reported in The Wall Street Journal on April 26, 2011, "[a] hacker  
16 stole the names, birth dates and possibly credit-card numbers for 77 million people  
17 who play online videogames through Sony Corp.'s PlayStation console, in what  
18 could rank among the biggest data breaches in history."

19 3. Because of Defendants' actions, millions of their customers have had  
20 their Financial Data, Personal ID, and Usage Data compromised, have had their  
21 privacy rights violated, have been exposed to the risk of fraud and identity theft, and  
22 have otherwise suffered damages.

### 23 II. JURISDICTION AND VENUE

24 4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §  
25 1332(d), as the matter in controversy exceeds \$5 million, Plaintiff has diverse  
26 citizenship from Defendants, and none of the exceptions apply.  
27  
28

1           5. Venue is appropriate in this Court. Upon information and belief,  
2 Defendant Sony Computer maintains a principal place of business and its “nerve  
3 center” in Santa Monica, California, which is in this Judicial District. Defendants  
4 transact business in this Judicial District and certain events and conduct giving rise to  
5 the claims in this action occurred in this Judicial District. Each Defendant has  
6 sufficient minimum contacts in the State of California or otherwise intentionally  
7 prevails itself of the California market through television, radio and internet  
8 advertising located in California and other activities, so as to render the exercise of  
9 jurisdiction over it by the California courts consistent with traditional notions of fair  
10 play and substantial justice.

### 11                                   III. THE PARTIES

12           6. Plaintiff Rebecca Mitchell is an adult individual who resides in the State  
13 of Michigan, County of Ingham.

14           7. At relevant times during the class period, Mitchell maintained a  
15 subscription to and was a member of The PlayStation Network.

16           8. Sony Computer Entertainment America, LLC (“Sony Computer”) is a  
17 Delaware limited liability company with its principal place of business located in  
18 Santa Monica, California and Foster City, California. Sony Computer is registered  
19 with the California Secretary of State (ID No.: 201009810380), maintains an office  
20 at 919 East Hillsdale Boulevard, Foster City, California 94404 and its resident agent  
21 as CSC – Lawyers Incorporation Service, located at 2730 Gateway Oaks Drive, Suite  
22 100, Sacramento, California 95833.

23           9. Sony Computer Entertainment America, Inc. (“SCEA”) is a Delaware  
24 corporation with its principal place of business located in Santa Monica, California  
25 and Foster City, California. SCEA is registered with the California Secretary of  
26 State (ID No.: C2000428), maintains an office at 919 East Hillsdale Boulevard,  
27 Foster City, California 94404 and its resident agent as CSC – Lawyers Incorporation  
28

1 Service, located at 2730 Gateway Oaks Drive, Suite 100, Sacramento, California  
2 95833.

3 10. Sony Computer and SCEA were founded in 1994 and are wholly owned  
4 subsidiaries of Sony USA. Among their principal products and offerings is the  
5 PlayStation 3 video game console.

6 11. Sony Corporation of America, Inc. ("Sony USA") is a New York  
7 corporation with its principal place of business located at 550 Madison Avenue, 27<sup>th</sup>  
8 Floor, New York, NY 10022. Sony USA is registered with the California Secretary  
9 of State (ID No.: C0401803) and lists its resident agent as CSC – Lawyers  
10 Incorporation Service, located at 2730 Gateway Oaks Drive, Suite 100, Sacramento,  
11 California 95833.

12 12. Sony USA is the U.S. subsidiary of Sony Corporation, headquartered in  
13 Tokyo, Japan. Sony USA is a leading manufacturer of audio, video,  
14 communications, and information technology products for the consumer and  
15 professional markets. Its motion picture, television, computer entertainment, music  
16 and online businesses make Sony one of the most comprehensive entertainment and  
17 technology companies in the world. Sony's principal U.S. businesses include Sony  
18 Electronics Inc., Sony Computer, Sony Pictures Entertainment Inc., and Sony Music  
19 Entertainment. Sony recorded consolidated annual sales of approximately \$78 billion  
20 for the fiscal year ended March 31, 2010, and it employs 167,900 people worldwide.

21 13. Plaintiffs are informed and believe that Defendants regularly conduct  
22 business in the State of California directly or indirectly through subsidiaries owned,  
23 licensed, operated, administered, managed, directed and/or controlled in the State of  
24 California.

#### 25 IV. FACTUAL ALLEGATIONS

26 14. The PlayStation is a video game console first launched by Defendants in  
27 1994. Defendant's current version, the PlayStation 3, was released in 2006 and has  
28

1 sold over 47.9 million units worldwide. The PlayStation 3 features motion controls  
2 in games, a Blu-ray Disc player, high-definition graphics, a large internal hard drive  
3 storage disk, and Internet networking capabilities.

4 15. As a complement to the PlayStation 3, Defendants launched The  
5 PlayStation Network ("PSN") in 2006 as an online service that, among other  
6 features, allows video game players to engage in multiplayer gaming online (i.e., two  
7 individuals could compete against each other in the same video game via an Internet  
8 connection as opposed to being in the same room). The PSN currently has over 69  
9 million users worldwide as of January 25, 2011.

10 16. In addition to the online multiplayer gaming, the PSN also comprises an  
11 online virtual market where users can purchase video games, add-on content, demos,  
12 themes, and game and movie trailers. As of September 2009, there have been over  
13 600 million downloads from the PSN store.

14 17. Defendants describe the PSN as follows:

15 PSN is the only online console service with over 60 million registered  
16 accounts worldwide and continues to evolve with tons of great new  
17 content and services such as digital comics and minis, and original  
18 programming. With PlayStation Network, users can also rent or  
19 purchase one of over 27,800 of their favorite movies and TV shows,  
20 including HBO hit shows like True Blood, Curb Your Enthusiasm and  
21 Entourage, as well as download games and demos from the  
22 PlayStation@Store. In addition, users have access to thousands of  
streaming movies and TV shows from Netflix and can watch their  
favorite teams with MLB.tv live sports streaming. PlayStation  
Network is also the only service to offer access to PlayStation@Home,  
PlayStation's social game platform where millions gather to socialize  
with friends, access any number of over 100 games that are ready to  
play, and personalize their own individual spaces.

23 18. When registering and/or joining the PSN, individuals provide various  
24 Financial Data and Personal ID to Defendants. Defendants continually monitor and  
25 record individuals' activities and purchases on the PSN and maintain said Usage  
26 Data in various computer databases.



1           19. On April 26, 2011, Defendants issued a "Consumer Alert" informing  
2 the public that Defendants "discovered that between April 17 and April 19, 2011,  
3 certain PlayStation Network and Qriocity service user account information was  
4 compromised in connection with an illegal and unauthorized intrusion into our  
5 network."

6           20. Defendants' Consumer Alert also contained the following:  
7 Although we are still investigating the details of this incident, we believe that an  
8 unauthorized person has obtained the following information that you provided:  
9 name, address (city, state, zip), country, email address, birthdate, PlayStation  
10 Network/Qriocity password and login, and handle/PSN online ID. It is also possible  
11 that your profile data, including purchase history and billing address (city, state, zip),  
12 and your PlayStation Network/Qriocity password security answers may have been  
13 obtained. If you have authorized a sub-account for your dependent, the same data  
14 with respect to your dependent may have been obtained. While there is no evidence  
15 at this time that credit card data was taken, we cannot rule out the possibility. If you  
16 have provided your credit card data through PlayStation Network or Qriocity, out of  
17 an abundance of caution we are advising you that your credit card number (excluding  
18 security code) and expiration date may have been obtained.

19           21. Thus, although the data breach occurred between April 17-19, 2011,  
20 Defendants did not inform the public of the breach until April 26, 2011.

21           22. Defendants' Consumer Alert specifically noted that "[w]hile there is no  
22 evidence at this time that credit card data was taken, we cannot rule out the  
23 possibility."

24           23. On April 26, 2011, The Wall Street Journal, in an article titled "Hacker  
25 Raids Sony Videogame Network", noted that the breach could rank among the  
26 biggest in history.

1           24. The Wall Street Journal article speculated that the stolen data might be  
2 used to trick victims into disclosing more valuable information about themselves. In  
3 addition, the article noted that the online videogame accounts have black market  
4 value, especially if the accountholder is a skilled video game player with access to  
5 higher levels and desirable virtual goods.

6           25. The Wall Street Journal also reported that there is speculation that the  
7 breach was in retaliation of Defendants' lawsuit against George Hotz, a popular  
8 hacker. Mr. Hotz had previously released code on the Internet to allow programmers  
9 to run their own homemade games, as well as pirated ones, on the PlayStation 3.

10           26. In addition to the Defendants and their outside cyber-security experts,  
11 the security breach is currently being investigated by the Federal Bureau of  
12 Investigation in San Francisco and other law enforcement agencies.

13           27. Plaintiff Rebecca Mitchell has been a member of the PSN since 2009  
14 and has provided certain Financial Data and Personal ID to the Defendants by virtue  
15 of her membership in the PSN. Likewise, Defendants maintain Usage Data related  
16 to Plaintiff's purchases and online activity at the PSN. Thus, as a result of  
17 Defendants' actions, Plaintiff has had her Financial Data, Personal ID, and Usage  
18 Data compromised, she has had her privacy rights violated, and she has been  
19 exposed to increased risk of fraud and identity theft.

## 20                           V. CLASS ACTION ALLEGATIONS

21           28. This action is brought as a class action and may properly be so  
22 maintained pursuant to Fed. R. Civ. P. 23 and other applicable rules of civil  
23 procedure.

24           29. **Class Definition:** The Class sought to be represented in this action is  
25 defined as follows:

26           All persons in the United States who have had their personal or financial  
27 data stolen or placed at risk of being stolen from The PlayStation  
28 Network's computer systems, and who were or may be damages or who  
allege damage therefrom (hereinafter, the "Class").

1       The Class Period dates back four years (or the length of the longest  
2 applicable statute of limitations for any claim asserted) from the date this action  
3 was originally filed and continues through the present and the date of judgment.  
4 Excluded from the Class are: (a) any officers, directors or employees of the  
5 Defendants; (b) any judge assigned to hear this case (or spouse or family member  
6 of any assigned judge); (c) any employee of the Court; (d) any juror selected to  
7 hear this case.

8       **30. Numerosity of the Class.** Members of the class and subclass  
9 are so numerous that their individual joinder herein is impracticable. The  
10 precise number of members of the class and subclass and their addresses are  
11 presently unknown to Plaintiff, but is believed to each exceed 1 million  
12 people. The precise number of persons in the class and their identities and  
13 addresses may be ascertained from Defendants' records. If deemed  
14 necessary by the Court, members of the class may be notified of the  
15 pendency of this action by mail and/or e-mail.

16       **31. Ascertainable Class.** The proposed Class is ascertainable. The  
17 litigation of the questions of fact and law involved in this action will resolve the  
18 rights of all members of the Class and hence, will have binding effect on all class  
19 members. These Class Members can be readily identified from business records,  
20 billing systems, and other electronic records of the Defendants and other means  
21 readily available to the Defendants, and thus by the Plaintiff, through minimally  
22 intrusive discovery. The class is numerous. Joinder of all class members is  
23 impracticable due to the relatively small monetary recovery for each class member  
24 in comparison to the costs associated with separate litigation.

25       **32. Common Questions of Fact and Law Exist and Predominate**  
26 **over Individual Issues.** There is a well-defined community of interest in  
27 the questions of law and fact involved affecting the parties to be  
28 represented. These common questions of law and fact exist as to all  
members of the class and predominate over the questions affecting only



1 individual members of the class. These common legal and factual questions  
2 include without limitation:

- 3 a. whether Defendants acted negligently in failing to properly safeguard  
4 Class members' financial and personal data;
- 5 b. whether Defendants violated industry standards concerning the handling  
6 and storage of Class members' financial and personal data;
- 7 c. whether Defendants failed to notify Class members of the security  
8 breach as soon as practical after the breach was discovered;
- 9 d. whether Defendants breached express or implied contracts by failing to  
10 properly safeguard Class members' financial and personal data;
- 11 e. whether Defendants engaged in unfair practices by failing to properly  
12 safeguard customers' financial and personal data;
- 13 f. whether Defendants violated California Business and Professions Code  
14 Section 17200 et seq. were willful or knowing violations; and
- 15 g. whether Plaintiff and the Class have been damaged, and, if so, what  
16 types of damages flowed from Defendants' unlawful conduct.

17 **33. Typicality.** The claims of Plaintiff are typical of the claims of  
18 the Class, as the claims of Plaintiff and all Class members arise from the  
19 same set of facts regarding Defendants' failure to protect Class members  
20 personal and financial data. Plaintiff maintains no interest antagonistic to  
21 the interests of other Class members. The relief sought is common, unitary,  
22 and class-wide in nature.

23 **34. Adequacy.** The named Plaintiffs are adequate representatives of  
24 the Class on whose behalf this action is prosecuted. Plaintiffs' interests do  
25 not conflict with the interests of the Class. Plaintiffs have retained  
26 competent counsel with experience in class action litigation and will  
27 prosecute this action vigorously. As a result, Plaintiffs can fairly and  
28 adequately represent and protect the interests of the class in that there are no

1 conflicts between their interests and the interests of other class members, this  
2 action is not collusive, the named Plaintiffs and their counsel have the necessary  
3 resources to litigate this action, and counsel has the experience and ability required  
4 to prosecute this case as a class action.

5       **35. Community of Interest.** The proposed Class has a well defined  
6 community of interest in the questions of fact and law to be litigated. The common  
7 questions of law and fact are predominant with respect to the liability issues, relief  
8 issues and anticipated affirmative defenses. The named Plaintiffs have claims  
9 typical of the Class members.

10       **36. Superiority of Class Adjudication.** The certification of a class in this  
11 action is superior to the litigation of a multitude of cases by members of the  
12 putative class. Class adjudication will conserve judicial resources and will avoid  
13 the possibility of inconsistent rulings. Equity dictates that all persons who stand to  
14 benefit from the relief sought herein should be subject to the lawsuit and hence  
15 subject to an order spreading the costs of the litigation among the class members in  
16 relationship to the benefits received. The economic damages, restitution and  
17 other potential recovery for each individual member of the Class are modest,  
18 relative to the substantial burden and expense of individual prosecution of  
19 these claims. Given the amount of the individual class members' claims,  
20 few, if any, class members could afford to seek legal redress individually for  
21 the wrongs complained of herein. Individualized litigation presents a  
22 potential for inconsistent or contradictory judgments. Individualized  
23 litigation increases the delay and expense to all parties and the court system  
24 presented by the complex legal and factual issues of the case. By contrast,  
25 the class action device presents far fewer management difficulties, and  
26 provides the benefits of single adjudication, economy of scale, and  
27 comprehensive supervision by a single court.

28       **37.** In the alternative, the above-referenced class may be certified  
because:

- 1 a. The prosecution of separate actions by the individual members  
2 of the Class would create a risk of inconsistent or varying  
3 adjudication with respect to individual class members' claims  
4 which would establish incompatible standards of conduct for  
5 Defendants;
- 6 b. The prosecution of separate actions by individual members of  
7 the Class would create a risk of adjudications which would as  
8 a practical matter be dispositive of the interests of other  
9 members of the class who are not parties to the adjudications,  
10 or which would substantially impair or impede the ability of  
11 other class members to protect their interests; and,
- 12 c. Defendants have acted or refused to act on grounds generally  
13 applicable to the class, thereby making appropriate final and  
14 injunctive relief with respect to the class.

## 15 VI. FIRST CAUSE OF ACTION

### 16 NEGLIGENCE

#### 17 (As To All Defendants)

18 38. Plaintiff fully incorporates by reference herein all of the above  
19 paragraphs, as though fully set forth herein.

20 39. Defendants assumed a duty, and had duties imposed upon them by  
21 regulations, to use reasonable care to keep Class members' Financial Data, Personal  
22 ID, and Usage Data private and secure. By their acts and omissions described herein,  
23 Defendants unlawfully breached this duty. The Class was damaged thereby.

24 40. The private information of the Class that was stolen or compromised by  
25 the breach of Defendants' security includes, without limitation, information that was  
26 being improperly stored and inadequately safeguarded in violation of, among other  
27 things, industry rules and regulations.  
28

1           41. Defendants also failed to comply with Card Operating Regulations,  
2 including but not limited to the following:

- 3           a. The "Visa USA Cardholder Information Security Program  
4 (CISP)," which is similar to the PCI standards program.
- 5           b. The MasterCard International Bylaws and Rules, section 9.15.3  
6 titled "Account, Cardholder and Transaction Data Must Be Kept  
7 Secure," which states: Merchants . . . must keep all systems and  
8 media containing MasterCard account, cardholder, or transaction  
9 information (whether physical or electronic) in a secure manner  
10 so as to prevent access by, or disclosure to any unauthorized  
11 party. Merchants . . . must destroy all media not necessary to  
12 retain, in a manner that will render the data unreadable.  
13 Defendants violated this requirement because they failed to  
14 maintain customer information in a "secure manner so as to  
15 prevent access by . . . any authorized party." Defendants also  
16 failed to "destroy all media not necessary to retain."
- 17           c. The MasterCard International Bylaws and Rules, section 9.15.7  
18 titled "Storage of Account, Cardholder, and Transaction Data,"  
19 which states: MasterCard permits storage of only the card account  
20 number, expiration date, cardholder name, and service code, in a  
21 secure environment to which access is limited, and then only to  
22 the extent that this data is required for bona fide purposes and  
23 only for the length of time that the data is required for such  
24 purposes. Defendants violated this requirement because they  
25 failed to store cardholder information in a secure environment to  
26 which access was limited. Defendants also stored cardholder  
27  
28

1 information for longer than necessary to complete the bona fide  
2 purpose for which the information was obtained.

3 42. The Card Operating Regulations created a duty of reasonable care and a  
4 standard of care that Defendants violated. Defendants' violations of those standards  
5 and regulations, among others, constitute negligence per se.

6 43. The breach of security was a direct and proximate result of Defendants'  
7 failure to use reasonable care to implement and maintain appropriate security  
8 procedures reasonably designed to protect the nonpublic information of the Class.  
9 This breach of security and resulting unauthorized access to nonpublic information  
10 of the Class was reasonably foreseeable by Defendants, particularly (but not  
11 exclusively) in light of Defendants' litigation against a well-known and popular  
12 hacker.

13 44. Defendants were in a special fiduciary relationship with the Class by  
14 reason of their entrustment with Financial Data, Personal ID information, and Usage  
15 Data. By reason of this fiduciary relationship, Defendants had a duty of care to use  
16 reasonable means to keep the nonpublic information of the Class private and secure.  
17 Defendants unlawfully breached this duty.

18 45. Pursuant to Class members' rights to privacy, Defendants had a duty to  
19 use reasonable care to prevent the unauthorized access, use, or dissemination of  
20 Class members' nonpublic information. Defendants unlawfully breached this duty.

21 46. Defendants' failure to comply with industry standards and regulations,  
22 the magnitude of the data breach (the largest in history), and the significant delay  
23 between the date of the intrusion and the date Defendants informed the public of the  
24 breach, all serve as concrete evidence of Defendants' negligence and other wrongful  
25 conduct in failing adequately to safeguard and monitor Defendants' computer  
26 systems to ensure the security of its customers' personal and financial data.



1           47. The compromise of the Class' nonpublic information, and the resulting  
2 burden, fear, anxiety, emotional distress, loss of time spent seeking to prevent or  
3 undo any further harm, and other economic and non-economic damages to the Class  
4 were the direct and proximate result of Defendants' violations of their duties.

5           48. Defendants also had a duty to publicly disclose the data compromise in  
6 a timely manner. Timely public disclosure was required so that, among other things,  
7 Plaintiffs and Class members could take appropriate measures to avoid unauthorized  
8 charges on their accounts, cancel or change usernames and passwords on  
9 compromised accounts, change their drivers' license numbers or state and military  
10 identification numbers, and monitor their account information and credit reports for  
11 fraudulent activity.

12           49. Defendants breached this duty by failing to notify the public in a timely  
13 manner that information was compromised.

14           50. Class members were harmed by Defendants' delay because, among  
15 other things, fraudulent charges have been made to Class members' accounts, and  
16 Class members have incurred time and money to dispute the charges with their  
17 banks. In addition, Class members have been unable to use The PlayStation  
18 Network since the initial breach, an essential service they expected to be able to  
19 utilize with the purchase of a PlayStation 3 at a significant cost.

20           51. Defendants knew or should have known that their computer systems for  
21 processing and storing Financial Data, Personal ID, and Usage Data information had  
22 security vulnerabilities. Defendants were negligent in continuing such data  
23 processing and storage in light of those vulnerabilities and the sensitivity of the data.

24           52. As a direct and proximate result of Defendants' conduct, Class members  
25 suffered damages including, but not limited to, those set forth above.  
26  
27  
28

1           53. Plaintiffs and Class members have not in any way contributed to the  
2 security breach at The PlayStation Network or to the compromise or theft of their  
3 personal and financial data.

4                           **VII. SECOND CAUSE OF ACTION**

5                   **BREACH OF CONTRACT TO A THIRD PARTY BENEFICIARY**

6                           **(As To All Defendants)**

7           54. Plaintiff fully incorporates by reference herein all of the above  
8 paragraphs, as though fully set forth herein.

9           55. Upon information and belief, Plaintiffs and the Class are third party  
10 beneficiaries of contracts entered into between Defendants and various third parties.  
11 These contracts require that Defendants safeguard the personal and financial  
12 information of Plaintiffs and the Class.

13           56. Defendants breached these contracts, and, as a result of these breaches,  
14 Plaintiffs and the Class have been harmed as alleged herein.

15                           **VIII. THIRD CAUSE OF ACTION**

16                   **BREACH OF IMPLIED CONTRACTS**

17                           **(As To All Defendants)**

18           57. Plaintiff fully incorporates by reference herein all of the above  
19 paragraphs, as though fully set forth herein.

20           58. When providing personal and financial information to Defendants in  
21 order to transact business with Defendants and utilize The PlayStation Network,  
22 Plaintiff and the Class entered into implied contracts with Defendants such that  
23 Defendants would safeguard this information and notify them promptly of any and  
24 all theft of this information.

25           59. Without such implied contracts, customers (including Plaintiff and the  
26 Class) would not have used their personal and financial information to transact  
27 business with Defendants.  
28

1           60. Defendants breached these implied contracts, and, as a result of these  
2 breaches, Plaintiff and the Class have been harmed as alleged herein.

3                           **IX. PRAYER FOR RELIEF**

4           WHEREFORE, Plaintiff, Rebecca Mitchell, as an individual and on behalf of  
5 those similarly situated, prays for relief and judgment against Defendants, jointly and  
6 severally, as follows:

7           A. that this Court certify the class and appointing Plaintiff Rebecca  
8 Mitchell and her counsel to represent the Class in this litigation;

9           B. that this Court enter judgment in favor of Plaintiff and the Class, and  
10 against Defendants under the legal theories alleged herein;

11           C. that this Court award damages to Plaintiffs and the Class under the legal  
12 theories alleged herein;

13           D. that this Court award injunctive relief, including but not limited to: (i)  
14 the provision of credit monitoring and/or credit card monitoring services for the  
15 Class; (ii) the provision of identity theft insurance for the Class; and (iii) the  
16 requirement that Defendants enhance the security of its computer system to minimize  
17 the likelihood of intrusions in the future;

18           E. that this Court award restitution to the Plaintiff and the Class;

19           F. that this Court award attorneys' fees, expenses, and costs of this suit;

20           G. that this Court award Plaintiffs and the Class pre-judgment and post-  
21 judgment interest at the maximum rate allowable by law; and

22           H. that this Court award further relief as it deems equitable, just and  
23 proper.

**X. JURY DEMAND**

Plaintiff demands a trial by jury for all issues so triable.

Respectfully submitted,

  
RIDOUT & LYON, LLP

Dated: April 27, 2011 By:

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*Subject to Admission Pro Hac Vice*

**Attorneys for Plaintiff**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Jacqueline Nguyen and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV11- 3601 JHN (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



## Name &amp; Address:

RIDOUT & LYON, LLP  
 CHRISTOPHER P. RIDOUT (State Bar No. 143931)  
 555 E. Ocean Blvd., Suite 500  
 Long Beach, California 90802  
 (562) 216-7380 Telephone

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

REBECCA MITCHELL, individually and  
 on behalf of all others similarly situated,

PLAINTIFF(S)

v.

SONY COMPUTER ENTERTAINMENT AMERICA, LLC, a  
 Delaware limited liability company, SONY COMPUTER  
 ENTERTAINMENT AMERICA, INC., a Delaware corporation,  
 SONY CORPORATION OF AMERICA, a New York corporation,  
 and DOES 1 through 50, inclusive, /  
 10

DEFENDANT(S).

CASE NUMBER

CV11 03601 JHN SSx

## SUMMONS

TO: DEFENDANT(S): SONY COMPUTER ENTERTAINMENT AMERICA, LLC, a Delaware limited liability  
company, SONY COMPUTER ENTERTAINMENT AMERICA, INC., a Delaware corporation,  
SONY CORPORATION OF AMERICA, a New York corporation

A lawsuit has been filed against you.

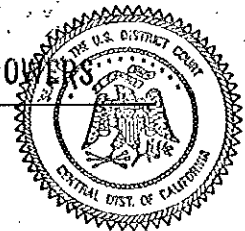
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, \_\_\_\_\_, whose address is \_\_\_\_\_. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: APR 27 2011

By: CHRISTOPHER POWERS  
 Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Rebecca Mitchell, individually and on behalf of all other similarly situated		<b>DEFENDANTS</b> Sony Computer Entertainment America, LLC a Delaware limited liability company, Sony Computer Entertainment America, Inc., a Delaware corporation, Sony Corporation of America, a New York corporation, and DOES 1 through 50	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Christopher P. Ridout (SBN 143931), RIDOUT & LYON, LLP 555 B. Ocean Blvd, Ste. 500, Long Beach, CA 90802 (562) 216-7380		<b>Attorneys (If Known)</b>	

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input checked="" type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): _____ <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION</b> under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ _____
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<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 28 U.S.C § 1332(d)
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<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; border: none;"> <tr> <td style="width:16.6%; vertical-align: top;"> <b>OTHER STATUTES</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input checked="" type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Sat TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 890 Other Statutory Actions  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Info. Act  <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State Statutes               </td> <td style="width:16.6%; vertical-align: top;"> <b>CONTRACT</b>  <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. 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CV11 03601

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Rebecca Mitchell, Michigan

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
1) Sony Computer Entertainment of America LLC, Los Angeles, CA; 2) Sony Computer Entertainment of America, Inc., Los Angeles, CA	Sony Corporation of America, Inc., New York

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, CA	San Mateo County, CA Michigan

\* Los Angeles, Orange, San Bernardino, Riverside, ~~Yuba~~, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date April 27, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))